

**Before the  
COPYRIGHT ROYALTY JUDGES  
Washington, DC**

<b>In the Matter of</b>	)	
	)	
	)	
<b>Distribution of the 2009 Satellite Royalty Funds</b>	)	<b>Docket No. 2011-8 CRB SD 2009</b>
	)	
	)	

**COMMENTS OF PROGRAM SUPPLIERS  
ON THE EXISTENCE OF A CONTROVERSY**

The Motion Picture Association of America, Inc. (“MPAA”), on behalf of its represented member companies and other MPAA-represented producers and distributors of syndicated series, including non-team sports, movies, and specials broadcast by television stations whose signals are carried as distant signals by satellite systems (“Program Suppliers”), hereby submits its comments in response to the request for comments published by the Copyright Royalty Judges (“Judges”) on September 6, 2011. *See Distribution of the 2009 Satellite Royalty Funds*, 76 Fed. Reg. 55123 (September 6, 2011) (“*Notice*”). The *Notice* requests comments regarding: (1) whether there are any reasonable objections to Phase I Parties’ Motion for Partial Distribution, (“*Motion*”), concerning the 2009 satellite royalty fund (“2009 Fund”), and (2) the existence of outstanding Phase I and Phase II controversies for the 2009 Fund.

Program Suppliers address the first issue jointly, with the other Phase I Parties, in separately-filed comments supporting the Motion. *See Comments of the Phase I Parties* (filed on October 6, 2011) (“*Joint Comments*”). As the Phase I Parties note in the Motion and in their Joint Comments, sound policy considerations favor early partial distribution of royalties. Because there is often a substantial delay between the time that royalties are collected and the conclusion

of distribution proceedings, both Congress and the Copyright Office (“Office”) have recognized the importance of distributing the maximum amount of copyright royalties to copyright owners at the earliest possible date. *See* Motion at 3-5. These same policy considerations favor an initial distribution of the 2009 Fund at this time, and should be given considerable weight by the Judges in addressing the Motion.

Program Suppliers address the second issue identified in the *Notice* below.

**I. Controversies With Respect to the 2009 Satellite Royalty Fund**

**A. Phase I Controversies**

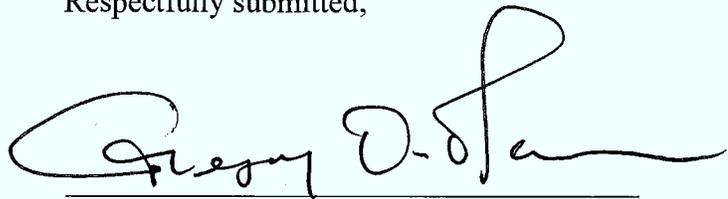
As discussed in the Joint Comments, although a controversy currently exists among the Phase I Parties as to the 2009 Fund, the Phase I Parties are in the process of negotiating an agreement that they believe will resolve the existing controversy. Therefore, Program Suppliers do not anticipate that a hearing will be necessary to resolve Phase I controversies as to the 2009 Fund.

**B. Phase II Controversies**

MPAA-represented Program Suppliers have claims to royalties awarded for movies, syndicated programming, and special programs, including non-team sports programming, as to the 2009 Fund. To the extent a claimant not represented by MPAA makes a claim that could impact the claims of the MPAA-represented Program Suppliers in the course of these comments, a Phase II controversy would exist against the MPAA-represented Program Suppliers. With respect to the 2009 Fund, the MPAA-represented Program Suppliers are aware of Phase II controversies in the Program Suppliers category between the MPAA-represented Program Suppliers and those Program Suppliers represented by the Broadcaster Claimants Group (“BCG”) and Independent Producers Group (“IPG”). MPAA has not reached a Phase II settlement with either BCG or IPG as to the 2009 Fund, and it anticipates that a hearing will be necessary to

resolve those controversies. MPAA-represented Program Suppliers estimate that a Phase II reserve amount of \$500,000 is more than adequate to satisfy BCG and IPG's Phase II claims in the Program Suppliers category. If Phase II hearings are held, MPAA intends to participate fully in those hearings. MPAA will represent the producers and/or distributors of syndicated series, including non-team sports, movies, and specials who have agreed to representation by MPAA.

Respectfully submitted,



---

Gregory O. Olaniran  
D.C. Bar No. 455784  
Lucy Holmes Plovnick  
D.C. Bar No. 488752  
MITCHELL SILBERBERG & KNUPP LLP  
1818 N Street NW, 8th Floor  
Washington, D.C. 20036  
Telephone: (202) 355-7917  
Facsimile: (202) 355-7887  
goo@msk.com  
lhp@msk.com

Dated: October 6, 2011

**CERTIFICATE OF SERVICE**

I hereby certify that on this 6th day of October, 2011, a copy of the foregoing Comments of Program Suppliers on the Existence of Controversies was sent by Federal Express to the individuals listed below:

  
Lucy Holmes Plovnick  
Lucy Holmes Plovnick

**JOINT SPORTS CLAIMANTS**

Robert Alan Garrett  
Stephen K. Marsh  
Marco A. Palmieri  
ARNOLD & PORTER LLP  
555 Twelfth Street, NW  
Washington, DC 20004-1206

**INDEPENDENT PRODUCERS GROUP**

Brian D. Boydston  
PICK & BOYDSTON LLP  
617 S. Olive Street, Suite 400  
Los Angeles, CA 90014

**BROADCASTER CLAIMANTS GROUP**

John I. Stewart, Jr.  
Jennifer H. Burdman  
Ann Mace  
CROWELL & MORING LLP  
1001 Pennsylvania Ave., NW  
Washington, DC 20004-2595

**MUSIC CLAIMANTS**

**AMERICAN SOCIETY OF COMPOSERS, BROADCAST MUSIC, INC.  
AUTHORS AND PUBLISHERS**

Joan M. McGivern  
Samuel Mosenkis  
ASCAP  
One Lincoln Plaza  
New York, NY 10023

Joseph J. DiMona  
BROADCAST MUSIC, INC.  
7 World Trade Center  
250 Greenwich Street  
New York, NY 10007-0030

Michael J. Remington  
Jeffrey J. Lopez  
Philip J. Cardinale  
DRINKER BIDDLE & REATH LLP  
1500 K Street, NW – Suite 1100  
Washington, DC 20005

**SESAC, INC.**

John C. Beiter  
ZUMWALT, ALMON & HAYES PLLC  
1014 16th Avenue South  
Nashville, TN 37212

## DEVOTIONAL CLAIMANTS

Clifford M. Harrington  
PILLSBURY WINTHROP SHAW  
PITTMAN LLP  
2300 N Street, NW  
Washington, DC 20037

Arnold P. Lutzker  
Allison L. Rapp  
Jeannette M. Carmadella  
LUTZKER & LUTZKER LLP  
1233 20<sup>th</sup> Street, NW, Suite 703  
Washington, DC 20036

Edward S. Hammerman  
HAMMERMAN, PLLC  
5335 Wisconsin Avenue, NW  
Suite 440  
Washington, DC 20015-2052

W. Thad Adams III  
SHUMAKER, LOOP, & KENDRICK LLP  
First Citizens Bank Plaza  
128 South Tryon Street  
Suite 1800  
Charlotte, NC 28202-5013

Wendell R. Bird, P.C.  
Jonathan T. McCants  
BIRD, LOECHL, BRITAIN & McCANTS,  
LLC  
1150 Monarch Plaza  
3414 Peachtree Road, N.E.  
Atlanta, GA 30326